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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/761,793      | 01/17/2001  | Vinay Deo            | M61.12-0686         | 9267             |

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| EXAMINER |
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HU, JINSONG

|          |              |
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| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/761,793

Applicant(s)

DEO ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 45-52 are presented for examination. Claims 51-52 are newly added claims.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 45-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Parkinson et al. (US 6,088,457).
4. Parkinson is a prior art reference cited by applicant on 1449, dated to 1/17/01.
5. As per claims 45-46 and 50, Parkinson teaches the invention as claimed including a wireless transmission system for transmitting programming data to a mobile device having a one-way radio receiver thereon, the transmission system including:

an originator component configured to receive the programming data and form a programming message indicative of the programming data [col. 9, lines 38-40 & 45-50];

a transmitter component, selectively coupleable to the originator, configured to transmit the programming message to the mobile device [col. 9, lines 40-42 & 50-55];

a mobile device processing component configured to receive the programming message and provide it to the radio receiver and to provide an acknowledge message in response to successfully providing the programming message to the radio receiver [301, Fig. 3; col. 4, line 64 – col. 5, line 10];

a mobile device synchronization component coupled to the mobile device processing component [303, Fig. 3; col. 5, lines 26-30]; and

a desktop computing device selectively coupleable to the mobile device and including a desktop synchronization component operable with the mobile device synchronization component to synchronize the acknowledge message to the desktop computing device, a desktop communication component selectively coupleable to the originator and configured to pass the acknowledge message to the originator [col. 9, lines 34-57].

6. As per claim 47, Parkinson teaches a radio transmitter configured to broadcast the programming message to the radio receiver [col. 9, lines 28-31].

7. As per claim 48, Parkinson teaches a modem configured to transmit the programming message to the radio receiver [col. 10, lines 40-47].

8. As per claim 49, Parkinson teaches a portable magnetic storage medium, readable by the mobile device processing component, storing the programming message [305, Fig. 3].

9. As per claim 51, Parkinson teaches the invention as claimed including a wireless transmission system for transmitting programming data to a mobile device having a one-way radio receiver thereon, comprising:

an originator component configured to form a programming message indicative of programming data, and to send the programming message to a transmitter for transmission to the mobile device [col. 9, lines 38-40 & 45-50]; and

wherein the originator component is further configured to receive an acknowledge message, synchronized from the mobile device to a desktop computer, from a desktop communication component [301, Fig. 3; col. 4, line 64 – col. 5, line 10].

10. As per claim 52, since it is a device claim of claim 51, it is rejected for the same basis as claim 51 above.

### ***Conclusion***

11. Applicant's arguments filed on 1/6/06 for claims 45-52 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Parkinson does teach synchronizing an acknowledgement to a desk top computer for transmission back to the content provider; (2) Parkinson does not teach a mobile device synchronization component coupled to the mobile device processing component [303, Fig. 3; col. 5, lines 26-30]; and a desktop computing device selectively coupleable to the mobile device and including a desktop synchronization component operable with the mobile device synchronization component to synchronize the acknowledge message to the desktop computing device.

12. Examiner respectfully traverses applicant's remarks:

As to points (1) and (2), applicant fails to consider the teaching of the reference for responding a message [i.e., sending an acknowledgement message back to the originator] if it is specified [col. 5, lines 20-22], the time logic and processing logic etc. [i.e., synchronization component of mobile device] coupled with the server [i.e., desktop] for delivering the messages in real time [col. 5, lines 23-39; col. 9, lines 32-57]. Thus , Parkinson is a relevant prior art reference.

13. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

March 14, 2006

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100